

M.A. No. 57/2019 in O.A. No. 667/2018
(Shri Sanchit S. Deshpande & Ors. V/s. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

[This matter is placed before the Single Bench due to non-availability of Division Bench.]

DATE : 10.08.2020.

ORAL ORDER :

Heard Shri V.G. Pingle, learned Advocate holding for Smt. Punam Mahajan, learned Advocate for the applicant in M.A., Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent Nos. 15 & 16 and Shri S.D. Joshi, learned Advocate for respondent Nos. 1 to 14 (Original applicants).

2. At the request of learned Advocate for respondent Nos. 1 to 14 (original applicants), S.O. to 24.08.2020.

VICE CHAIRMAN

KPB ORAL ORDERS 10.08.2020

M.A. No. 130/2020 in O.A. No. 114/2020
(Shri Dagdu G. Patil V/s. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 10.08.2020.

ORAL ORDER :

Heard Ms. Preeti Wankhade, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. Issue notices to the respondents in M.A., returnable on 14.09.2020.

3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

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M.A. 130/2020 in
O.A. 114/2020

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

7. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

8. S.O. to 14.09.2020.

9. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

KPB/ORAL ORDERS 10.08.2020

M.A. No. 194/2020 in O.A. No. 174/2020
(Shri Ravindra P. Bibekar V/s. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 10.08.2020.

ORAL ORDER :

Heard Shri S.D. Dhongde, learned Advocate holding for Smt. Suchita A. Dhongde, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. Issue notices to the respondents in M.A., returnable on 21.09.2020.

3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

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M.A. 194/2020 in
O.A. 174/2020

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

7. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

8. S.O. to 21.09.2020.

9. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

KPB/ORAL ORDERS 10.08.2020

ORIGINAL APPLICATION NO. 252 OF 2020
(Shri Harikishan D. Jadhav V/s. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 10.08.2020.

ORAL ORDER :

Heard Ms. Preeti R. Wankhade, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant undertakes to remove the office objections during the course of the day.

3. Issue notices to the respondents, returnable on 14.09.2020.

4. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

5. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal

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O.A. No. 252/2020

(Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

7. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

8. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

9. S.O. to 14.09.2020.

10. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

KPB ORAL ORDERS 10.08.2020

ORIGINAL APPLICATION NO. 985 OF 2019
(Shri Suresh S. Chate V/s. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO. 996 OF 2019
(Shri Sainath R. Thombre V/s. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 10.08.2020.

ORAL ORDER :

O.A. No. 985/2019

Heard Shri S.D. Joshi, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

O.A. No. 996/2019

Heard Shri S.D. Joshi, learned Advocate for the applicant, Shri I.S. Thorat, learned Presenting Officer for the respondent Nos. 1 to 4 and Shri V.B. Wagh, learned Advocate for respondent No. 5.

2. At the request of learned Presenting Officer for the respondents, as a most last chance, S.O. to 17.08.2020.

VICE CHAIRMAN

KPB/ORAL ORDERS 10.08.2020S

M.A. No. 181/2020 in O.A. No. 44/2020
(Smt. Asha S. Gaikwad V/s. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 10.08.2020.

ORAL ORDER :

Heard Shri K.G. Salunke, learned Advocate holding for Shri K.B. Jadhav, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Issue notices to the respondents in M.A., returnable on 14.09.2020.

3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

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M.A. 181/2020 in
O.A. 44/2020

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

7. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

8. S.O. to 14.09.2020.

9. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

KPB/ORAL ORDERS 10.08.2020

M.A. No. 131/2020 in O.A. St. No. 375/2020
(Smt. Aruna S. Lahurikar V/s. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 10.08.2020.

ORAL ORDER :

Heard Shri Sachin G. Joshi, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, issue fresh notices to the respondents in M.A., returnable on 21.09.2020.

3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

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M.A. 131/2020 in
O.A. St. 375/2020

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

7. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

8. S.O. to 21.09.2020.

9. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

KPB/ORAL ORDERS 10.08.2020

ORIGINAL APPLICATION NO. 730 OF 2019
(Shri Ejaz Salim Shaikh V/s. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 10.08.2020.

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. Learned Presenting Officer has placed on record a copy of original record regarding transfer of the applicant. Same is taken on record and marked as document 'X' for the purposes of identification.

3. At the request of learned Presenting Officer, S.O. to 03.09.2020 for taking instructions from the respondents.

VICE CHAIRMAN

KPB/ORAL ORDERS 10.08.2020

ORIGINAL APPLICATION NO. 733 OF 2019
(Shri Sainath B. Anmod V/s. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 10.08.2020.

ORAL ORDER :

Heard Shri V.A. Bagdiya, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer, S.O. to 03.09.2020.

VICE CHAIRMAN

KPB/ORAL ORDERS 10.08.2020

**ORIGINAL APPLICATION ST. NO. 664 OF 2020
(Pandit S. Tiparse Vs. State of Maharashtra & Ors.)**

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 10.08.2020

ORAL ORDER :

Heard Shri Aakash D. Gade, learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. On instructions, Learned Advocate for the applicant states that the applicant intends to challenge the impugned order before the appropriate authority by filing appeal and, therefore, the applicant intends to withdraw the present Original Application. Therefore, the learned Advocate for the applicant seeks leave of this Tribunal to withdraw the Original Application with liberty to the applicant to file appeal before the appropriate authority.

3. In view of the aforesaid submissions advanced by the learned Advocate for the applicant, leave to withdraw the Original Application is granted.

4. Accordingly, the present Original Application is disposed of as withdrawn with liberty to the applicant to file appeal before the appropriate authority. There shall be no order as to costs.

VICE CHAIRMAN

**ORIGINAL APPLICATION ST. NO. 620 OF 2020
(Shrikant V. Mundhe Vs. State of Maharashtra & Ors.)**

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 10.08.2020

ORAL ORDER :

Heard Shri V.M. Maney, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. At the request of learned Chief Presenting Officer for the respondents, S.O. to 24.08.2020.

VICE CHAIRMAN

ORAL ORDERS 10.08.2020-HDD

ORIGINAL APPLICATION NO. 878 OF 2019
(Yuvraj G. Gaikwad Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 10.08.2020

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent nos. 1 & 2. Shri Sunil B. Jadhav, learned Advocate for respondent no. 3 (**absent**).

2. Learned C.P.O. seeks time to take instructions from the respondents. Time granted.

3. In the circumstances, S.O. to 13.8.2020.

VICE CHAIRMAN

ARJ ORAL ORDERS 10.08.2020

ORIGINAL APPLICATION NO. 226 OF 2020
(Haridas R. Ghuge Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

[This matter is placed before the Single Bench due to non-availability of Division Bench.]

DATE : 10.08.2020

ORAL ORDER :

Heard Ms. Preeti R. Wankhade, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Learned Advocate for the applicant seeks time to go through record and then to advance her submissions. Time granted.

3. In the circumstances, S.O. to 24.8.2020.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 231 OF 2020
(Umesh T. Hule Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

[This matter is placed before the Single Bench due to non-availability of Division Bench.]

DATE : 10.08.2020

ORAL ORDER :

Shri N.L. Jadhav, learned Advocate for the applicant (**absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, is present.

2. In view of absence of applicant and his learned Advocate the present O.A. is removed from the board.

VICE CHAIRMAN

ARJ ORAL ORDERS 10.08.2020

C.P. ST. 584/2020 IN O.A. 113/2012
(Bhagwat T. Kadam Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

[This matter is placed before the Single Bench due to non-availability of Division Bench.]

DATE : 10.08.2020

ORAL ORDER :

Heard Shri K.G. Salunke, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant has submitted that the applicant intends to withdraw the present contempt petition and wants to file fresh contempt petition after service of personal notice on the alleged contemnors.

3. In view of the submissions of the learned Advocate for the applicant the present contempt petition stands disposed of as withdrawn with liberty to the applicant to file fresh contempt petition after service of personal notice on the contemnors. There shall be no order as to costs.

VICE CHAIRMAN

M.A. 193/2020 IN O.A. ST. 613/2020
(Sandip S. Thorat Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

[This matter is placed before the Single
Bench due to non-availability of Division
Bench.]

DATE : 10.08.2020

ORAL ORDER :

Heard Shri Sandeep D. Munde, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Learned Advocate for the applicant seeks leave of the Tribunal for producing on record the legible documents. Leave as prayed for is granted.

3. In the circumstances, S.O. to 24.8.2020.

VICE CHAIRMAN

ARJ ORAL ORDERS 10.08.2020

M.A. ST. 568/2020 IN O.A. ST.105/2020
(Vasant S. PATil Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

[This matter is placed before the Single
Bench due to non-availability of Division
Bench.]

DATE : 10.08.2020

ORAL ORDER :

Heard Shri S.D. Dhongde, learned Advocate for
the applicant and Smt. Priya R. Bharaswadkar,
learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the
applicant, S.O. to 24.8.2020.

VICE CHAIRMAN

ARJ ORAL ORDERS 10.08.2020

M.A. 182/2020 IN O.A. ST.618/2020

(Ishwarchandra R. Nagare Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

[This matter is placed before the Single Bench due to non-availability of Division Bench.]

DATE : 10.08.2020

ORAL ORDER :

Heard Shri S.D. Dhongde, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. The applicant has filed the O.A. along with M.A. for condonation of delay caused in filing the O.A. It is contention of the applicant that he has been selected for the post of Associate Professor in Anesthesia in the year 1993. Thereafter he was asked to produce the caste verification certificate, but he has not submitted the same to the respondents. It is contention of the applicant that his caste certificate has been verified in the year 2003 for the another purpose. But the respondents have not given him appointment on the post of Associate Professor in Anesthesia. It is his contention that due to inaction on the part of the respondents the delay has been caused in filing the O.A.

::-2-:: **MA 182/2020 IN OA ST.618/2020**

3. The learned Advocate for the applicant has submitted that because of the inaction on the part of the respondents the delay has been caused. Therefore he prayed to condone the delay caused in filing the O.A. He has submitted that the Hon'ble High Court of Judicature at Bombay, Bench at Aurangabad has condoned the delay of 25 years in another matter. Therefore he has placed reliance on the judgment of the Hon'ble High Court in **writ petition no. 10513/2015 in the case of Shri Abaji Shivdas Jadhav & Ors. Vs. the State of Maharashtra & Ors.** dated 18.4.2016.

4. Learned P.O. has submitted that there is inordinate delay in filing the O.A. She has submitted that the applicant has not produced the caste verification certificate in time. Therefore he is not entitled to claim the appointment. Therefore, she prayed to reject the M.A. & O.A.

5. On perusal of documents it reveals that the applicant has been selected for the post of Associate Professor in Anesthesia in the year 1993 and he was called upon to produce the caste verification certificate. After several correspondences the

::-3-:: **MA 182/2020 IN OA ST.618/2020**

applicant has not produced the caste verification certificate therefore he has not been selected on the post. The applicant has submitted his caste verification certificate on 11.2.2009 and on the basis of that he is claiming appointment. On going through the contentions of the applicant in the M.A. it reveals that the applicant has not shown the just and plausible reasons for condonation of inordinate delay of 27 years in filing the O.A. The applicant has not explained the delay properly and satisfactorily. The principles laid down by the Hon'ble High Court in the judgment and order in the case of **Shri Abaji Shivdas Jadhav & Ors. Vs. the State of Maharashtra & Ors. (writ petition no. 10513/2015)** dated 18.4.2016 are not applicable in the present case. Therefore I find no substance in the submissions of the learned Advocate for the applicant in that regard. There is no merit in the M.A. as also in the O.A. Hence the same deserve to be rejected.

6. Accordingly the M.A. stands rejected. Consequently the registration of O.A. is refused. There shall be no order as to costs.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 236/2020
(Prakash U. Hasnabade Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

[This matter is placed before the Single Bench due to non-availability of Division Bench.]

DATE : 10.08.2020

ORAL ORDER :

Heard Shri Panditrao S. Anerao, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. Issue notice to respondents, returnable on 21.9.2020.

3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal

(Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

7. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

8. S.O. to 21.9.2020.

9. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 237/2020
(Datta A. Cheke Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

[This matter is placed before the Single Bench due to non-availability of Division Bench.]

DATE : 10.08.2020

ORAL ORDER :

Heard Shri Panditrao S. Anerao, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Issue notice to respondents, returnable on 21.9.2020.

3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal

(Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

7. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

8. S.O. to 21.9.2020.

9. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

M.A. 180/2020 IN O.A. 58/2020

(Ritesh R. Kaware & Ors. Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

[This matter is placed before the Single Bench due to non-availability of Division Bench.]

DATE : 10.08.2020

ORAL ORDER :

Heard Shri R.K. Ashtekar, learned Advocate for the applicants, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent nos. 1 to 3 and Shri Avinash S. Deshmukh, learned Advocate for respondent no. 4.

2. Issue notice to respondents in the present M.A., returnable on 14.9.2020.

3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

7. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

8. S.O. to 14.9.2020.

9. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN